REMARKS

The Office Action dated March 3, 2006 has been carefully considered. Claims 1, 3-5, 9-15, 23, 25-28, and 31-33 are pending. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 12, 23, and 28 have been amended in this Response. Claims 6-8 have been cancelled and new Claims 31-33 have been added in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments.

Claims 1, 3-5, 11-15, 23, 25 and 28 stand rejected under 35 U.S.C. § 103(a) in view of U.S. Patent 6,131,032 to Patel ("Patel") and U.S. Patent 6,470,075 to Prieur ("Prieur"). Claims 6-8 stand rejected under 35 U.S.C. § 103(a) in view of Patel, Prieur, and Applicant Admitted Prior Art ("AAPA"). Claims 9, 10, 26 and 27 stand rejected in view of Patel, Prieur and U.S. Patent 6,363,525 to Dougherty et al. ("Dougherty"). Insofar as these rejections may be applied against the amended claims, they are deemed overcome.

Claims 1, 12, 23 and 28 have been amended to clarify a distinguishing feature of the claimed invention. Specifically, Claims 1 and 23 describe "providing an application identifier (AID) in the at least one packet of the communication, the AID identifying the format of the CAI, *wherein the AID is located in the optional field of Network Layer 3*." Support for these amendments can be found, among other places, page 9, line 26 through page 10, line 10 of the original Application.

First, the Examiner states that "AAPA teaches wherein the AID is located in the optional field of the Network Layer 3" on page 2, line 26 through page 3, line 5 of the original Application. Applicants respectfully submit that providing the AID in the optional field of the Network Layer 3 is not disclosed by AAPA. AAPA discloses that "access networks generally route the packets of

communications by evaluating the Network Layer 3, with the Layers 4-7, which typically contain the CAI and the communication content, remaining unevaluated by the access networks. The Network Layer 3 of each packet generally comprises the routing information, which can also be considered CAI, such as the IP addresses of the source and destination network components for the packets." Original Application, page 2, line 27 – page 3, line 5. Although AAPA does disclose the storage of CAI information in the Network Layer 3, it does not disclose the storage of AID in the optional field of the Network Layer 3.

It is clear that the AAPA does not disclose providing the AID in the optional field of the Network Layer 3 because the AID can be provided in the optional field, the protocol field, or other areas of the Network Layer 3. While this embodiment can be subject to size and allocation limitations, storing AID in the protocol field of the Network Layer 3 "presents significant advantages over the prior art by allowing the access networks to isolate, extract, and report the CAI." Original Application, page 10, lines 3-10. Accordingly, it is clear that the AAPA does not disclose the location of the AID within the Network Layer 3. While the AAPA does briefly mention that routing information can be located in the Network Layer 3, it does not further describe the location of the AID in the Network Layer 3.

Furthermore, placing the AID in the optional field provides a distinct advantage over the prior art. For example, the values and meanings of the protocol field of the Network Layer 3 are governed by a standards organization, and the protocol field is limited to an 8-bit field, which limits the values available to LEAs. "The optional field, however, neither requires the interaction with the standards organizations nor is it subject to the 8-bit size limitation. Therefore, by placing the AID in the optional field, the AID can be assigned a greater range of values without the need of approval from a standards organization." Original Application, page 9, lines 24-29. It is clear that providing

the AID in the optional field of the Network Layer 3 provides a distinct advantage over providing the AID in the protocol field of the Network Layer 3. Accordingly, Applicants respectfully submit that the AAPA does not disclose locating the AID in the optional field of the Network Layer 3.

In addition, the Examiner clearly states that "Patel and Prieur fail to explicitly teach the method wherein the AID is located in the optional field of the Network Layer 3." In view of the foregoing, it is apparent that the cited references do not disclose, teach, or suggest the unique combination now recited in Claims 1, 12, 23, and 28. Applicants therefore submit that amended Claims 1, 12, 23, and 28 are clearly and precisely distinguishable over the cited references in a patentable sense. Accordingly, Applicants respectfully request that the rejections of Claims 1, 12, 23, and 28 be withdrawn and that amended Claims 1, 12, 23, and 28 be allowed.

Claims 3-5 and 9-11 depend upon and further limit amended Claim 1. Claims 13-15 depend upon and further limit amended Claim 12. Claims 25-27 depend upon and further limit amended Claim 23. Claims 31-33 depend upon and further limit amended Claim 28. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of dependent Claims 3-5, 9-11, 13-15, 25-27, and 31-33 also be withdrawn.

Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1, 3-5, 9-15, 23, 25-28, and 31-33.

Applicants hereby request an extension of time for making this reply and enclose a check in the amount of $120.00 for the required fee. Applicants do not believe that any other fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any
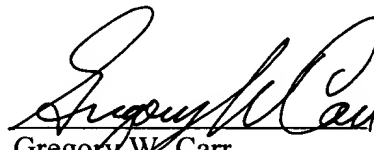
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required fees due (other than issue fees), and to credit any overpayment made, in connection with

the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this

Application in condition for allowance, the Examiner is invited to telephone the undersigned at

the number listed below.

Respectfully submitted,

CARR LLP

Dated: _____6/19/06_____

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